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8 ATTORNEY FOR PLAINTIFF

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

EUREKA DIVISION

ALICE HADLEY TRUE CRAIN,

Case No.: 1:16-cv-06292-RMI

Plaintiff,

vs.

NANCY A. BERRYHILL, Deputy  
Commissioner for Operations, performing the  
duties and functions not reserved to the  
Commissioner of Social Security,

Defendant.

**STIPULATION FOR THE  
AWARD AND PAYMENT OF  
ATTORNEY FEES PURSUANT  
TO THE EQUAL ACCESS TO  
JUSTICE ACT, 28 U.S.C. § 2412(d),  
AND ~~PROPOSED~~ ORDER**

TO THE HONORABLE ROBERT M. ILLMAN, MAGISTRATE JUDGE OF THE  
DISTRICT COURT:

Plaintiff's Counsel, Kenneth J. Collins passed away on April 23, 2018. Jennifer Collins  
is the special administrator of the Estate of Kenneth J. Collins. A copy of the Order for Probate  
Special Administrator dated June 8, 2018 is attached as Exhibit 1.

IT IS HEREBY STIPULATED by and between the parties through their undersigned  
counsel and special administrator, Jennifer Collins for the Estate of Kenneth J. Collins, subject to

1 the approval of the Court, that Plaintiff be awarded attorney fees in the amount of FIVE  
2 THOUSAND, FOUR HUNDRED DOLLARS AND 00/100 CENTS (\$5,400.00) under the  
3 Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d). This amount represents compensation  
4 for all legal services rendered on behalf of Plaintiff by counsel in connection with this civil  
5 action, in accordance with 28 U.S.C. §§ 1920; 2412(d) (Attorney's hourly rate is \$192.68 times  
6 28.10 hours equals \$5,414.30).

7       After the Court issues an order for EAJA fees to Plaintiff, the government will consider  
8 the matter of ALICE CRAIN assignment of EAJA fees to the Estate of Kenneth J. Collins. The  
9 retainer agreement containing the assignment is attached as Exhibit 2. Pursuant to *Astrue v.*  
10 *Ratliff*, 130 S.Ct. 2521, 2529 (2010), the ability to honor the assignment will depend on whether  
11 the fees are subject to any offset allowed under the United States Department of the Treasury's  
12 Offset Program. After the order for EAJA fees is entered, the government will determine  
13 whether they are subject to any offset.

14       Fees shall be made payable to ALICE CRAIN, but if the Department of the Treasury  
15 determines that ALICE TRUE CRAIN does not owe a federal debt, then the government shall  
16 cause the payment of fees, expenses and costs to be made directly to Mr. Collins, pursuant to the  
17 assignment executed by ALICE CRAIN. Any payments made shall be delivered to Mr. Collins.

18       This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA  
19 attorney fees, and does not constitute an admission of liability on the part of Defendant under the  
20 EAJA or otherwise. Payment of FIVE THOUSAND, FOUR HUNDRED DOLLARS AND  
21 00/100 CENTS (\$5,400.00) in EAJA attorney fees, shall constitute a complete release from, and  
22 bar to, any and all claims that Plaintiff CRAIN and Plaintiff's Attorney Kenneth J. Collins may  
23 have relating to EAJA attorney fees and expenses in connection with this action. This award is  
24 without prejudice to the rights of Plaintiff's Attorney, Kenneth J. Collins to

1 seek Social Security Act attorney fees under 42 U.S.C. § 406(b), subject to the savings clause  
2 provisions of the EAJA.

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5 Respectfully submitted,

6 Dated: June 29, 2018

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/s/ Jennifer Collins  
JENNIFER COLLINS  
Special Administrator for the Estate of  
Kenneth J. Collins, Attorney for Plaintiff

Dated: June 29, 2018

ALEX G. TSE  
Acting United States Attorney

/s/ Jeffrey Chen  
JEFFREY CHEN  
Special Assistant United States Attorney  
Attorneys for Defendant

## ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED that Plaintiff shall be awarded attorney fees in the amount of FIVE THOUSAND FOUR HUNDRED DOLLARS AND 00/100 CENTS (\$5,400.00).

, as authorized by 28 U.S.C. 2412(d), subject to the terms of the above-referenced Stipulation.

Dated: 7/2/2018

  
HONORABLE ROBERT M. ILLMAN  
United States Magistrate Judge

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address):  AMY MENDOZA-STOVER 248544 THE HARLAND LAW FIRM LLP 954 MAIN STREET FORTUNA, CA 95540	TELEPHONE AND FAX NOS.: (707) 725-4426 (707) 725-5738	FOR COURT USE ONLY
ATTORNEY FOR (Name) Petitioner <b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF HUMBOLDT</b> STREET ADDRESS: 825 FIFTH STREET MAILING ADDRESS: CITY AND ZIP CODE: EUREKA, CA 95501 BRANCH NAME:		<b>FILED</b> B JUN 04 2018 SUPERIOR COURT OF CALIFORNIA COUNTY OF HUMBOLDT
ESTATE OF (Name): KENNETH JAMES COLLINS aka KEN COLLINS aka KENNETH J. COLLINS aka KENNETH COLLINS		DECEDENT
<b>LETTERS</b> <input type="checkbox"/> TESTAMENTARY <input checked="" type="checkbox"/> OF ADMINISTRATION <input type="checkbox"/> OF ADMINISTRATION WITH WILL ANNEXED <input checked="" type="checkbox"/> SPECIAL ADMINISTRATION		CASE NUMBER: <b>PR180186</b>

**LETTERS**

- The last will of the decedent named above having been proved, the court appoints (name):  
  - executor.
  - administrator with will annexed.
- The court appoints (name):  
JENNIFER COLLINS  
  - administrator of the decedent's estate.
  - special administrator of decedent's estate
    - with the special powers specified in the *Order for Probate*.
    - with the powers of a general administrator.
    - letters will expire on (date):  
ON ISSUANCE OF GENERAL LETTERS
- The personal representative is authorized to administer the estate under the Independent Administration of Estates Act  with full authority  
 with limited authority (no authority, without court supervision, to (1) sell or exchange real property or (2) grant an option to purchase real property or (3) borrow money with the loan secured by an encumbrance upon real property).
- The personal representative is not authorized to take possession of money or any other property without a specific court order.

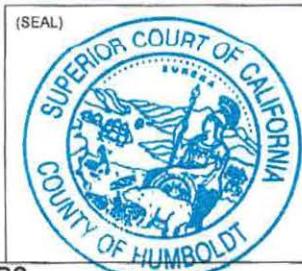
WITNESS, clerk of the court, with seal of the court affixed.



Date: 6-4-18

Clerk, by KIM M. BARTLESON

  
(DEPUTY)

**LETTERS**  
(Probate)


JUN 08 2018

Morgan P.

Date:  
Clerk, by  
  
KIM M. BARTLESON  
(DEPUTY)

Probate Code, §§ 1001, 8403,  
8405, 8544, 8545;  
Code of Civil Procedure, § 2015.6

Collins Jennifer

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state number, and address)		TELEPHONE AND FAX NO	FOR COURT USE ONLY
AMY MFNDOZA-STOVER (CSB 248544) THE HARLAND LAW FIRM LLP 954 MAIN STREET FORTUNA, CA 95540		(707) 725-4426	
ATTORNEY FOR (Name): Petitioner		FILED	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF HUMBOLDT		B JUN 01 2018	
STREET ADDRESS: 825 FIFTH STREET		SUPERIOR COURT OF CALIFORNIA	
MAILING ADDRESS:		COUNTY OF HUMBOLDT	
CITY AND ZIP CODE: EUREKA, CA 95501			
BRANCH NAME:			
ESTATE OF (Name):			
KENNETH JAMES COLLINS aka KEN COLLINS aka KENNETH J. COLLINS aka KENNETH COLLINS		DECEDENT	
ORDER FOR PROBATE		CASE NUMBER:	
ORDER	<input type="checkbox"/> Executor		
APPOINTING	<input type="checkbox"/> Administrator with Will Annexed		
	<input type="checkbox"/> Administrator <input checked="" type="checkbox"/> Special Administrator		
	<input type="checkbox"/> Order Authorizing Independent Administration of Estate		
	<input type="checkbox"/> with full authority <input type="checkbox"/> with limited authority		
PR180126			

## WARNING: THIS APPOINTMENT IS NOT EFFECTIVE UNTIL LETTERS HAVE ISSUED.

1. Date of hearing: NONE REQUIRED Time: 2:00 pm Dept./Room: 6 Judge:

## THE COURT FINDS

2. a. All notices required by law have been given.

b. Decedent died on (date): 4/23/2018

(1)  a resident of the California county named above.(2)  a nonresident of California and left an estate in the county named above.

c. Decedent died

(1)  intestate(2)  testate

and decedent's will dated:

was admitted to probate by Minute Order on (date):

and each codicil dated:

## THE COURT ORDERS

3. (Name): JENNIFER COLLINS  
is appointed personal representative:

- a.  executor of the decedent's will
- b.  administrator with will annexed
- c.  administrator

d.  special administrator(1)  with general powers(2)  with special powers as specified in Attachment 3d(2)(3)  without notice of hearing(4)  letters will expire on (date): issuance of general letters

and letters shall issue on qualification.

4. a.  Full authority is granted to administer the estate under the Independent Administration of Estates Act.b.  Limited authority is granted to administer the estate under the Independent Administration of Estates Act (there is no authority, without court supervision, to (1) sell or exchange real property or (2) grant an option to purchase real property or (3) borrow money with the loan secured by an encumbrance upon real property).5. a.  Bond is not required.b.  Bond is fixed at: \$ to be furnished by an authorized surety company or as otherwise provided by law.c.  Deposits of: \$ are ordered to be placed in a blocked account at (specify institution and location):and receipts shall be filed. No withdrawals shall be made without a court order.  Additional orders in Attachment 5c.d.  The personal representative is not authorized to take possession of money or any other property without a specific court order.6.  (Name):

is appointed probate referee.

Date: 6/1/18

7.  Number of pages attached: \_\_\_\_\_

Gregory Elvine-Kreis

JUDGE OF THE SUPERIOR COURT

 SIGNATURE FOLLOWS LAST ATTACHMENT

## ORDER FOR PROBATE

Probate Code, §§ 8006, 8400

ATTACHMENT 3d(2)

The immediate appointment of a special administrator is necessary because the decedent has an active law practice and no one has authority to continue the operation of the business. A special administrator needs to be appointed to oversee the management of business, and tend to the day to day operations necessary to continue the operation of the business.

Requested Powers: take all action necessary to manage decedent's business, including but not limited to:

- a. Execute documents necessary to transfer cases to new attorneys;
- b. File fee petitions for cases that decedent prevailed in where decisions were entered after his death;
- c. Access bank accounts and issue payroll and handle activities necessary for the continued operation of the business until it can be closed.



STATE OF CALIFORNIA, } ss  
COUNTY OF HUMBOLDT }

I HEREBY CERTIFY THIS INSTRUMENT TO  
BE A FULL, TRUE AND CORRECT COPY OF THE  
ORIGINAL AS THE SAME NOW APPEARS ON  
FILE IN THIS OFFICE.

GIVEN UNDER MY HAND AND THE SEAL  
OF THE SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF HUMBOLDT.

THIS  
BY

JUN 08 2018  
Morgan P.  
KIM M. BARTLESON  
DEPUTY CLERK

1 KENNETH J. COLLINS, CSBN 100579  
2 ATTORNEY AT LAW  
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5 (707) 822-1611, Fax (707) 822-1044  
6 Email: [aew1950@yahoo.com](mailto:aew1950@yahoo.com)

7 Attorney for Plaintiff

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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**EUREKA DIVISION**

17 ALICE HADLEY CRAIN, ) Case No.: 1:16-cv-06292-RMI  
18 Plaintiff, )  
19 vs. )  
20 )  
21 NANCY A. BERRYHILL, Deputy )  
22 Commissioner for Operations, performing the )  
23 duties and functions not reserved to the )  
24 Commissioner of Social Security, )  
Defendant. )

ASSIGNMENT OF EAJA FEE

17 I, Alice Hadley Crain, Plaintiff, in the above case, assign any entitlement that I may have to a  
18 fee under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. 2412, to my attorney Kenneth J.  
19 Collins. I acknowledge that the fee compensates my attorney, Kenneth J. Collins in whole or in part,  
20 depending on whether I am ultimately awarded benefits before the U.S. District Court. Therefore, I  
21 direct that the EAJA award should be made payable to counsel and not to me as the Plaintiff.

22 WHEREFORE, I assign any right interest I may have in the award of an EAJA fee and  
23 understand that the EAJA award shall be paid to my attorney, Kenneth J. Collins, to help  
24 compensate counsel for the work performed on this case in the U.S. District Court and, when

1 applicable, before the Commissioner on remand.

2  
3 Dated: 2-20-18

Alice H. C.

Alice Hadley Crain, Plaintiff